

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WISCONSIN

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JAMES J. FOSKETT, et al.,

Case No. 06-C-0503-S

Plaintiffs,

v.

GREAT WOLF RESORTS, INC., et al.,

Defendants,

And

GREAT WOLF RESORTS, INC. and GREAT  
BEAR LODGE OF WISCONSIN DELLS,  
LLC,

Defendants/Third-Party Plaintiffs,

v.

BLACK WOLF LODGE, LLC, TALL PINES  
RENTAL, LLC, n/k/a J & A REAL ESTATE  
VENTURE LLC, TALL PINES REALTY,  
LLC, TALL PINES DEVELOPMENT OF  
WISCONSIN DELLS, LLC, et al.,

Third-Party Defendants,

And

CINCINNATI INSURANCE COMPANY,

Intervening Plaintiff,

v.

WATER TECHNOLOGY, INC., et al.,

Defendants in Intervention.

Copy of this document has been  
provided to: Attys. Link  
Chlander & Fennell - 415 Vidnet  
this 20 day of April, 2008  
by M. Hardin  
M. Hardin, Secretary to  
Judge John C. Shabaz

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**ORDER FOR JUDGMENT**

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Upon the April 14, 2008 mandate and the accompanying March 5, 2008 opinion of the United States Court of Appeals for the Seventh Circuit, it is hereby ordered:

1. That judgment and the award of costs previously entered in favor of Third-Party Plaintiffs Great Wolf Resorts, Inc., Great Bear Lodge of Wisconsin Dells, LLC and Great Lakes Services, LLC are hereby vacated;

2. That judgment is entered in favor of Third-Party Defendants Black Wolf Lodge, LLC, J & A Real Estate Venture LLC, Tall Pines Realty, LLC, and Tall Pines Development of Wisconsin Dells, LLC ("Sellers") and against Third-Party Plaintiff Great Bear Lodge of Wisconsin Dells, LLC ("Buyer") upon Sellers' counterclaim for indemnification;

2. That Buyer shall (a) indemnify Sellers from all claims asserted against them in this matter, (b) reimburse Sellers for "all reasonable costs and expenses (including, but without limitation, reasonable attorney fees and costs)" incurred in investigating and defending against Plaintiffs' and Buyer's claims, and in successfully enforcing the terms of the Asset Purchase Agreement against Buyer;

3. Pursuant to Federal Rule of Civil Procedure 54, Sellers shall move for an award of costs and expenses within fourteen days of entry of judgment.

SO ORDERED this 28<sup>th</sup> day of April, 2008.

BY THE COURT

Barbara B. Crabbe

Judgment entered this 29<sup>th</sup> day of April, 2008.

Theresa M. Owens

THERESA M. OWENS  
CLERK, U.S. DISTRICT COURT